

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**U.S. BANK, NA as TRUSTEE for
the Certificateholders of Bear Sterns
ARM Trust, Mortgage Pass-through
Certificates Series 2005-6**

Plaintiff,

v.

No. 13-cv-00134-MV/LAM

**LUIS MIGUEL MAZULIS;
DAVID LANDON MURPHY,**

Defendants.

ORDER SETTING SHOW-CAUSE HEARING

On June 19, 2013, the Court assigned me to hold a show-cause hearing in this case. *See* Doc.

23. The Court previously issued an Order remanding the foreclosure proceedings in this case to state court, stating:

. . . the Court will require Mazulis and Murphy to personally appear at a hearing before a Magistrate Judge so that the Court may determine whether the Court should impose the [attorney-fee] sanction jointly and severally against both parties, or whether Murphy solely instigated and accomplished the filing of the notice of removal. Mazulis and Murphy shall be ready to testify under oath and shall bring with them to the hearing all written communications between them regarding removing this case, including copies of any emails and copies of any contracts of any kind between them regarding the property at issue.

May 22, 2013 Order (remanding foreclosure case to state court, and ordering attorneys to submit evidence of attorney fees in writing). The Defendants have submitted a motion for attorney fees with attachments pursuant to 28 U.S.C. § 1447(c). *See* Doc. 22. Because the foreclosure proceedings themselves have been remanded to state court, at the show-cause hearing, the parties shall address the issue of the amount of attorney fees to be awarded and who should pay those fees. Mr. Mazulis

and Mr. Murphy shall not argue the merits of the underlying foreclosure litigation - which they have attempted to do in their *Response to Judgment and Sanctions* filed June 17, 2013 (Doc. 21). They shall bring with them to the hearing the documents required by the Court's May 22, 2013 Order.

I take judicial notice that Mr. Murphy has appeared at hearings in other similar cases and that he has given excuses for his co-plaintiff not to appear. *See Scott v. HSBC Bank*, No. 11cv1084 JP/ACT, Doc. 52 at 4 (Tr. of July 20, 2012 Hearing). Both Mr. Mazulis and Mr. Murphy shall appear at the hearing set below; failure to appear may result in the issuance of a bench warrant for their arrest and sanctions.

IT IS ORDERED that Luis Miguel Mazulis and David Landon Murphy shall appear at a show-cause hearing on sanctions on **Monday, July 29, 2013 at 10:00 a.m.** at the United States Courthouse, 5th Floor, Cimarron Courtroom, 333 Lomas Blvd. NW, Albuquerque, New Mexico.

IT IS FURTHER ORDERED that the Clerk send to Mr. Mazulis another copy of the May 22 Order and this Notice, certified mail, return-receipt requested to the following addresses: PO Box 1131, Santa Fe, NM 87504-1131 and 2804 Vereda de Pueblo, Santa Fe, NM 87507-5386.



CHIEF UNITED STATES MAGISTRATE JUDGE